IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA VALDOSTA DIVISION

BRENDON L. HANNON and : VICKI HANNON, :

:

Plaintiffs,

v. : CASE NO.: 7:22-CV-00053 (WLS)

OFORI THEOPHILLUS ODURO and ARAMARK UNIFORM & CAREER APPAREL, LLC;

:

Defendants.

ORDER

Before the Court is Stipulation of Dismissal with Prejudice as to All Parties (Doc. 19), filed and signed by Plaintiffs's Counsel on March 8, 2023. Therein, Plaintiffs state that they are dismissing their individual claims with prejudice in the above-styled action. (*Id.*)

Previously, the above-styled action was first filed on April 15, 2022, in the Superior Court of Brooks County, Georgia, and on June 3, 2022, Defendants filed their Answer. (Doc. 1-2). On June 7, 2022, Defendants removed this case to the Middle District of Georgia pursuant to 28 U.S.C. § 1441 based on the jurisdiction under 28 U.S.C. 1332(a). (Doc. 1).

Under Federal Rule of Civil Procedure 41(a), a plaintiff may voluntarily dismiss an action without a court order by filing:

- (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
- (ii) a stipulation of dismissal signed by all parties who have appeared.

FED. R. CIV. P. 41(a)(1)(A)(i)-(ii).

Here, the instant Stipulation of Dismissal (Doc. 19) only contains the signature of Plaintiffs' Counsel. Because Defendants filed their Answer on June 3, 2022 (Doc. 1-2), pursuant to Rule 41(a)(1)(A)(ii), Plaintiffs must file a Stipulation of Dismissal that is signed by all parties who have appeared in order to dismiss this action voluntarily.

Accordingly, Plaintiff's Stipulation is (Doc. 19) is **DENIED without prejudice**. Plaintiff may re-file a proper Stipulation of Dismissal that has been signed by all parties who have appeared in this above-styled action for Court's consideration.

SO ORDERED, this <u>10th</u> day of March 2023.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE UNITED STATES DISTRICT COURT